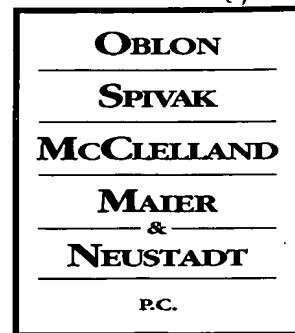




Docket No.: 193130US2X

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

GREGORY J. MAIER
(703) 413-3000
GMAIER@OBLON.COM

CHRISTOPHER D. WARD
SENIOR ASSOCIATE
(703) 413-3000
CWARD@OBLON.COM

RE: Application Serial No.: 09/594,556
Applicants: Naoya WADA, et al.
Filing Date: June 15, 2000
For: PHOTONIC NETWORK PACKET ROUTING
METHOD AND PACKET ROUTER FOR PHOTONIC
NETWORK
Group Art Unit: 2633
Examiner: BELLO, AGUSTIN

SIR:

Attached hereto for filing are the following papers:

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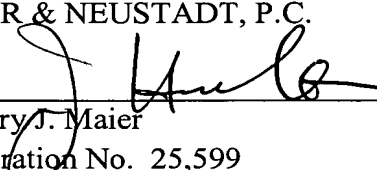
Technology Center 2600

PROVISIONAL ELECTION OF SPECIES

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

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Christopher D. Ward
Registration No. 41,367

James D. Hamilton
Registration No. 28,421



DOCKET NO: 193130US2X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
NAOYA WADA, ET AL: : EXAMINER: BELLO, AGUSTIN
SERIAL NO: 09/594,556 :
FILED: JUNE 15, 2000 : GROUP ART UNIT: 2633
FOR: PHOTONIC NETWORK PACKET :
ROUTING METHOD AND PACKET
ROUTER FOR PHOTONIC NETWORK

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PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species requirement mailed on July 27, 2004, applicants elect, with traverse, the invention of Species I, Figure 4. Claims 1-2 and 4-8 are readable on the elected species, and Claims 1 and 12 have been indicated as being generic to all noted species.

Applicants traverse the outstanding Election of Species requirement on the grounds that it has not been established that it would be an undue burden to examine each of the noted inventions and claims together.

Under M.P.E.P. § 803, an Election is not proper if a search and examination can be made without a serious burden on the Examiner, and the outstanding Election of Species requirement has not established that examining each of the currently-pending claims together would result in an undue burden.

MPEP § 803 specifically states:

Application No. 09/594,556
Reply to Office Action of July 27, 2004

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The Election of Species requirement has not established that examining each of the claims would result in an undue burden. Accordingly, each of the noted inventions and claims should be examined on their merits.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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Christopher D. Ward
Registration No. 41,367

James D. Hamilton
Registration No. 28,421